PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-505-B)

In re Application of:	)	
	)	
Progulske-Fox	)	
	)	**Examiner: Not Assigned**
Serial No.: 09/980,845	)	
	)	**Group Art Unit: Not Assigned**
Filed: August 4, 2000	)	
	)	**Conf. No. 3701**
For: Microbial Polynucleotides Expressed During Infection of a Host	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181(A)

This paper is filed in response to the notification of abandonment mailed in the above-mentioned application on March 3, 2006. Applicants respectfully request reconsideration of the holding of abandonment.

The notification of abandonment states that the Applicant failed to respond to the notification of missing requirements mailed February 28, 2002 within the time period set therein. *See*, Appendix A. Therefore, it appears that Office has abandoned the application based on a failure to reply within a set time period. *See*, MPEP §711.03(b). However, the Applicants clearly responded in a timely manner to the notification of missing requirements mailed on February 28, 2002. A response to the notice was filed on March 27, 2002 and a stamped postcard was received from the Office indicating that the response was indeed received. *See,* Appendix B. Additionally, the response was filed under the provisions of 37 CFR §1.8 by the undersigned. The undersigned states that the response was filed properly on March 27, 2002 under the requirements of 37 CFR §1.8. The response included the required declaration, a paper copy of the

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300 SOUTH WACKER DRIVE, 32ND FLOOR
CHICAGO, IL 60606
(312)913-0001

sequence listing, a computer-readable form of the sequence listing, a statement under 37 CFR §1.821, and a fee. *See,* Appendix B. Therefore, the application cannot be abandoned for failure to timely respond to the notification of missing requirements of February 28, 2002.

On June 12, 2002 a notification of defective response was issued by the Office. *See*, Appendix C. The notification stated that the computer readable form filed with the application was found to be damaged and/or unreadable as evidenced by the attached CFR Problem Diskette Report. No CFR Problem Diskette Report was attached. The notification also stated that the computer readable form did not comply with the sequence listing requirements. A Raw Sequence Listing Error Report was attached to the notification. Applicants assumed that the computer readable form of the sequence listing was not damaged or defective since a Raw Sequence Listing Error Report was generated. A response was timely filed by the applicants on June 24, 2002 under the requirements of 37 CFR §1.8. The undersigned states that the response was filed properly on June 24, 2002 under the requirements of 37 CFR §1.8. A stamped postcard was received from the Office to evidence receipt. *See*, Appendix D. It was the undersigned's good faith belief that all errors listed in the raw sequence listing error report were corrected in the response of June 24, 2002. *See*, Appendix D.

Two and one half years later, on January 3, 2005, another notification of defective response was received from the Office. *See*, Appendix E. The notification stated that (1) the content of the computer readable form submitted on June 24, 2002 did not comply with the requirement of Annex C as indicated by the attached marked up copy of the "Raw Sequence Listing"; and (2) that the computer readable form was found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. However, no Raw Sequence Listing Error Report or Diskette Problem Report was attached to the notification.

On January 24, 2005 the undersigned requested the Raw Sequence Listing Error Report and/or Diskette Problem Report from Examiner Vonda Wallace via both phone and facsimile. *See,* Appendix F. No response was received from Examiner Wallace. Since no extensions of time were available to applicants, a response was filed on February 3, 2005 under the requirements of 37 CFR §1.8. The undersigned states that the response was filed properly on February 3, 2005 under the requirements of 37 CFR §1.8. A stamped postcard was received from the Office to

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evidence receipt. *See,* Appendix G. The response included an explanation of the situation and a written copy and computer-readable form of the sequence listing. *See,* Appendix G.

Well over a year later, on March 3, 2006, a notice of abandonment for failure to reply to the notification of missing requirements of February 28, 2002 was issued. *See,* Appendix H. Attached to the notification was a Raw Sequence Listing Error Report dated January 18, 2006. It is unclear which version of the sequence listing was used to generate this report or why a copy of the Raw Sequence Listing Error Report from the January 3, 2005 notification was never provided to the Applicants.

All replies have been filed within time periods set within the notifications. The Office **has not** alleged that the application has been abandoned based on an insufficiency of reply. *See*, MPEP §711.03(a). Applicants have made a good faith effort to timely and correctly respond to the notifications received from the office despite the fact that the notifications were incomplete and/or inconsistent (*i.e.,* missing reports or stating that the disk was damaged and/or unreadable and providing a report from a clearly readable disk) and a request for clarification went unanswered. Applicants respectfully request that the application be reinstated.

A new written copy and computer readable form of the sequence listing is attached. The new version of the sequence listing addresses the errors in the Raw Sequence Listing Report attached to the Notification of Abandonment. Applicants respectfully request that this version of the sequence listing be entered into the application in place of previously submitted versions of the sequence listing. The written and computer readable forms of the sequence listing are identical and add no new matter.

Respectfully submitted,

Dated: 3/16/06

By: _____

Lisa M.W. Hillman, Ph.D.
Reg. No. 43,673

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE, 32ND FLOOR
CHICAGO, IL 60606
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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
Progulske-Fox	Group Art Unit: TBA
Serial No. 09/980,845	Examiner: TBA
International Filing Date: Aug. 4, 2000	Atty. Dckt. No.: 00-505-B
Priority Date: Aug. 6, 1999	Intnl. Appl. No.: PCT/US00/2130

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
   a) Response to Notice to File Missing Parts;
   b) Declaration and Power of Attorney;
   c) Statement Under 37 C.F.R. § 1.821
   d) Paper copy of Sequence Listing and Diskette copy;
   e) Filing Fee Check;
   f) Return postcard.

2. With respect to fees:
   a) A check in the amount of $65.00 is enclosed.
   b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on March 27, 2002.

Respectfully submitted,

Date: March 27, 2002

Lisa M.W. Hillman
Registration No. 43,673

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, IL 60606
(312)913-0001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.	
PCT/US00/21340	
I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000007521267

Date Mailed: 02/28/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/905 (371 Formalities Notice)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
Progulske-Fox	Group Art Unit: TBA
Serial No. 09/980,845	Examiner: TBA
International Filing Date: Aug. 4, 2000	Atty. Dckt. No.: 00-505-B
Priority Date: Aug. 6, 1999	Intnl. Appl. No.: PCT/US00/2130

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

The attached executed declaration is submitted in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed on February 28, 2002, in the above-mentioned case. Also enclosed is a paper copy of the sequence listing, a diskette containing the sequence listing and Statement Under 37 C.F.R. §1.821. A check for sixty-five dollars ($65) for an oath or declaration surcharge is enclosed. It is believed that no further fee is due to make this filing complete; however, if a fee or credit is due the Commissioner is authorized to charge or credit our Deposit Account No. 13-2490.

Respectfully submitted,

Date: 3/27/02

By: _____
Lisa M.W. Hillman
Registration No.: 43,673

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, on 3/27/02

Date: 3/27/02

_____
Lisa M.W. Hillman

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No.00-505-B)

In the Application of:	)	
	)	
Progulske-Fox	)	**Art Group: Not assigned**
	)	
Serial No.: 09/980,845	)	
	)	**Examiner: Not assigned**
Filed: August 4, 2000	)	
	)	
For: Microbial Polynucleotides Expressed During Infection of a Host	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

1. The Compact Disc contained herein ("00-505 ST25") submitted under 37 C.F.R.§1.52(e):

   ☒ Is formatted for IBM-PC Machines
   ☒ Is compatible with MS-Windows Operating System
   ☒ Contains the file "00-505 ST25" which is 26,624 bytes in size and was created on 03/16/2006.

2. Statement under 37 C.F.R. § 1.821(f): The undersigned certifies that the original CD-R submitted herein, titled "00-505 ST25" (COPY 1) and the copy CD-R entitled "00-505 ST25" (COPY 2) are identical in content as required by C.F.R. § 1.52(e)(4).

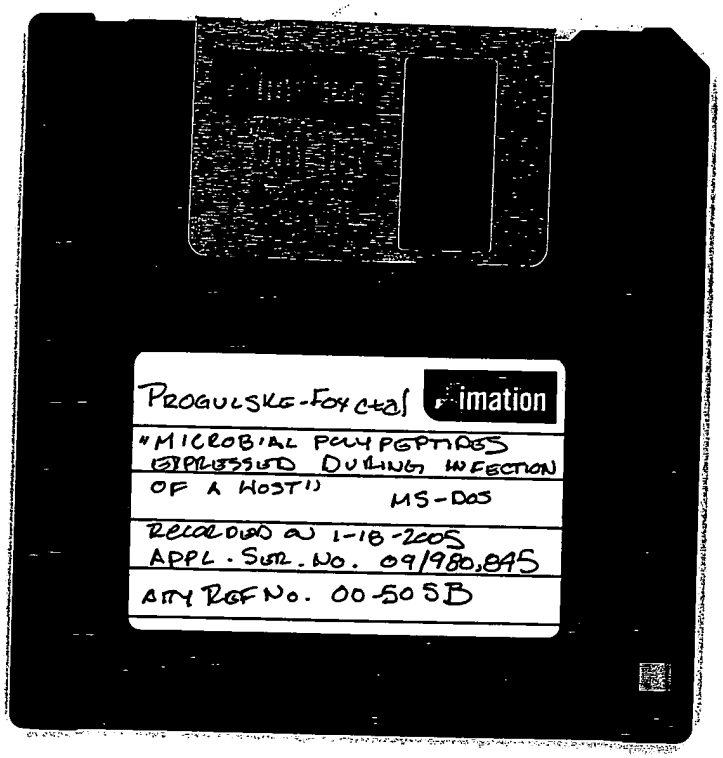
Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: March 16, 2006

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
32nd Floor
Chicago, Illinois 60606
Phone: 312-913-0001
Fax: 312-913-0002



Hon. Commissioner of Patents and Trademarks

SN 09/980,845

Atty LMWH/tmp

Re: Applicant Progulske-Fox

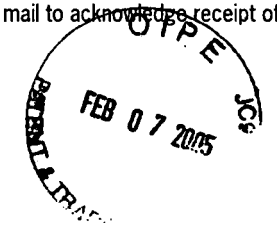
Case No.: 00-505-B

Microbial Polynucleotides Expressed During Infection of a Host

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ Transmittal Letter (with Duplicate)
- ☒ Response to Notice of Defective Response
- ☒ Copy of Notification of Defective Response
- ☒ Paper and disk copy of correct sequence listing
- ☒ Return Receipt Postcard



Fee Enclosed
$0.00
February 3, 2005

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.	
PCT/US00/21340	
I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371
ABANDONMENT/TERMINATION LETTER

OC000000018184385

Date Mailed: 03/03/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 02/28/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495,and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
Progulske-Fox	Group Art Unit: TBA
Serial No. 09/980,845	Examiner: TBA
International Filing Date: Aug. 4, 2000	Atty. Dckt. No.: 00-505-B
Priority Date: Aug. 6, 1999	Intnl. Appl. No.: PCT/US00/2130

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

STATEMENT UNDER 37 C.F.R. §1.821

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is a written copy and a computer-readable copy of the sequence listing in the above mentioned case. The information recorded in computer readable form is identical to the written sequence listing. No new matter is added by the sequence listing.

Respectfully submitted,

Date: 3-27-02

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

MCDONNELL, BOEHNEN,
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, IL 60606
(312) 913-0001

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, on 3-27-02.

Date: 3-27-02

_____
Lisa M.W. Hillman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(00-505-B)

In re the Application of: Progulske-Fox	)	
	)	
Serial No: 09/980,845	)	**Group Art Unit:** TBA
	)	
Filed: August 4, 2000	)	**Examiner:** TBA
	)	
For: Microbial Polynucleotides Expressed During Infection of a Host	)	
	)	
	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir/Madam:

The undersigned declares that the content of the Sequence Listing, submitted in the above-identified application in compliance with 37 C.F.R. § 1.52(e) on Compact Disc-Recordable (CD-R) medium in duplicate (COPY 1 and COPY 2) in lieu of the paper copy under 37 C.F.R. § 1.821(c) and the computer readable form copy of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. 1.821(e), are identical in content. The sequence listing, submitted herewith, does not extend beyond the scope of the specification, and thus, does not contain new matter.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: March 16, 2006

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive, 32nd Floor
Chicago, Illinois 60606
Phone: 312-913-0001
Fax: 312-913-0002

SEQUENCE LISTING

<110> Handfield, Martin
Brady, Jeannine
Progulske-Fox, Ann
Hillman, Jeffrey D.

<120> Microbial Polynucleotides Expressed During Infection of a Host

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gcgcttattt aagctaaaac accatcttgg cattcaggga tttttatccg ggctattcac 180
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35 40 45

Leu Gly Ile Gln Gly Phe Leu Ser Gly Leu Phe Thr Phe Val Leu Arg
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Val Leu Asn Gly Asp Val Leu Gln Leu Asn Gly Ser His Ser Trp Phe
         35                  40                  45

Val Ala Asp Ala Ser Glu Asp Leu Thr Gln Leu Gln Gln Arg Leu Ala
     50                  55                  60

Gln Arg Asp Ile Leu Leu Thr Ala Pro Leu Ile Gly Glu Glu Asp Lys
 65                  70                  75                  80

Ser Ala Val Asp Phe Glu Asn Glu Ile Phe Val Ala His Gln Ala Leu
                 85                  90                  95

Phe His Leu Met Arg Gln Glu Arg Val Lys Ala Ala Arg Arg Pro Ile
            100                 105                 110

Leu Met Gln Ala Gln Gln Phe Gln Trp Gln Phe Glu Pro Asn Gly Leu
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Pro Asp Ser Asn Arg Lys Arg Arg Leu Gln Xaa Leu Asn Leu Gly Glu
         35                  40                  45

Ala Xaa Val Phe Arg Ser Phe Gly Lys Ala Xaa Ile Ile Ala Ser Thr
     50                  55                  60

Ala Xaa Pro Ala Xaa Cys Val His Ile Ala Leu Thr Gly Phe Leu Ser
 65                  70                  75                  80

Gly Arg Ile Asp Leu Val Ile Ser Gly Ile Asn Ala Gly Ala Asn Leu
                 85                  90                  95

Gly Asp Asp Val Leu Tyr Ser Gly Thr Val Ala Ala Ala Phe Glu Gly
            100                 105                 110

Arg His Leu Gly Leu Pro Ser Ile Ala Val Ser Leu Asp Gly Arg Gln
        115                 120                 125

His Phe Glu Thr Ala Ala Arg Val Val Cys Asp Leu Val Pro Lys Leu
    130                 135                 140

His Ala Gln Leu Leu Gly Lys His Glu Ile Leu Asn Ile Asn Val Pro
145                 150                 155                 160

Asp Val Pro Tyr Glu Glu Leu Lys Gly Ile Lys Val Cys His Leu Gly
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Thr Val Ile Tyr Gly Met Gly Asp Asp Tyr Asn Gly Asn Ile Arg Lys
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Lys Asp Leu Glu Thr Pro Thr Pro Tyr Asn Thr Tyr Val Ile Asp Gly
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Leu Pro Pro Thr Pro Ile Ala Met Pro Ser Glu Glu Ala Leu Gln Ala
85 90 95

Val Ala His Pro Ala Gln Thr Ala Phe Tyr Tyr Phe Val Ala Asp Gly
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35 40 45

Lys Ala Thr Pro Ser His
50

Hon. Commissioner of Patents and Trademarks

S/N 09/980,845 Atty LMWH

Re: Applicant - Progulske-Fox, et al. Case No. 00-505-B

Microbial Polynucleotides Expressed During Infection Of A Host

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- ☒ Transmittal Letter
- ☒ Signed Declaration
- ☒ Filing Fee Check
- ☒ Other Response to Notice to File Missing Parts; Statement Under 37 CFR §1.821; Diskette and paper copy of sequence listing

Fee Enclosed

$ 65.00
March 27, 2002

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.	
PCT/US00/21340	
I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000008256428

Date Mailed: 06/12/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fee
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

  - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/916 (371 Formalities Notice)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
Progulske-Fox	Group Art Unit: TBA
Serial No. 09/980,845	Examiner: TBA
International Filing Date: Aug. 4, 2000	Atty. Dckt. No.: 00-505-B
Priority Date: Aug. 6, 1999	Intnl. Appl. No.: PCT/US00/2130

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
   a) Response to Notice of Defective Response;
   b) Written copy of sequence listing;
   c) Computer Readable copy of sequence listing; and
   d) Return postcard

2. With respect to fees:
   a) It is believed no fee is due at this time.
   b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on June 24, 2002.

Respectfully submitted,

Date: June 24, 2002

Lisa M.W. Hillman
Registration No. 43,673

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, IL 60606
(312)913-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
Progulske-Fox	Group Art Unit: TBA
Serial No. 09/980,845	Examiner: TBA
International Filing Date: Aug. 4, 2000	Atty. Dckt. No.: 00-505-B
Priority Date: Aug. 6, 1999	Intnl. Appl. No.: PCT/US00/2130

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is filed in response to the Notification of Defective Response mailed on June 12, 2002, in the above-mentioned case. It is believed that no fee is due in connection with this filing; however, if a fee is due please charge our deposit account number 13-2490.

Enclosed is a written copy and a computer-readable copy of the sequence listing in the above mentioned case. The information recorded in computer readable form is identical to the written sequence listing. No new matter is added by the sequence listing. Applicants respectfully request that the specification of the application be amended by

---

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, on 6/24/02.

Date: 6/24/02

Lisa M.W. Hillman

deleting the previously filed sequence listing and the entry of the enclosed sequence listing.

Respectfully submitted,

Date: 6/24/02

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

MCDONNELL, BOEHNEN,
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, IL 60606
(312) 913-0001

SEQUENCE LISTING

<110> Handfield, Martin
Brady, Jeannine
Progulske-Fox, Ann
Hillman, Jeffrey D.

<120> Microbial Polynucleotides Expressed During Infection of a Host

<130> MBHB00-505B

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<151> 1999-08-06

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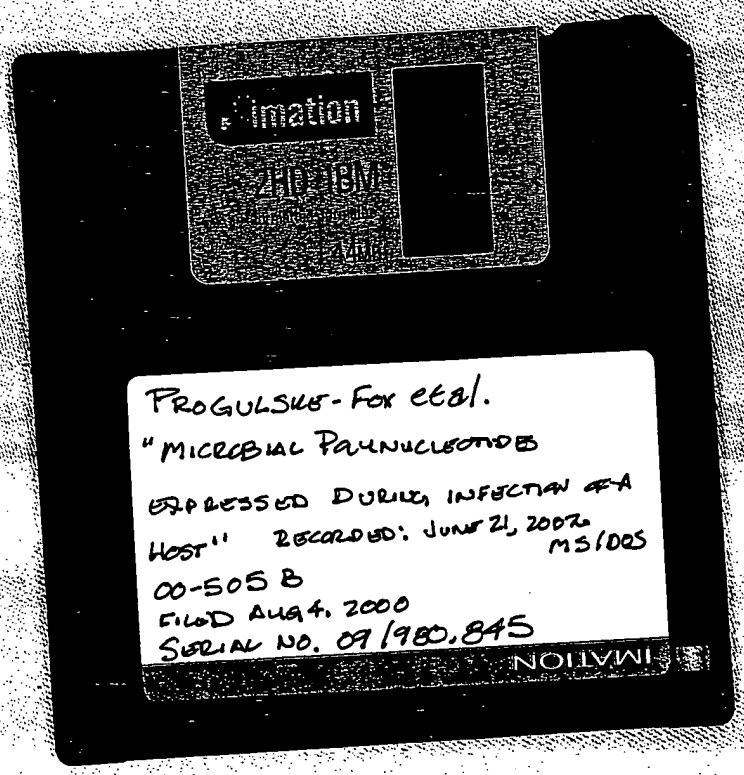

Hon. Commissioner of Patents and Trademarks

S/N 09/980,845

Atty LMWH

Re: Applicant - Progulske-Fox

Case No. 00-505-B

Microbial Polynucleotides Expressed During Infection Of A Host

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

☒ Transmittal Letter

☒ Other Response to Notice of Defective Response; Sequence listing (computer readable copy and written copy)

Fee Enclosed

$ -0-

June 24, 2002

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

Hon. Commissioner of Patents and Trademarks

S/N 09/980,845

Atty LMWH

Re: Applicant - Progulske-Fox

Case No. 00-505-B

Microbial Polynucleotides Expressed During Infection Of A Host

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

☒ Transmittal Letter

☒ Other Response to Notice of Defective Response; Sequence listing (computer readable copy and written copy)

Fee Enclosed

$ -0-
June 24, 2002

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.	
PCT/US00/21340	
I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000008256428

Date Mailed: 01/03/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 11/15/2001
- Copy of the International Search Report filed on 11/15/2001
- Copy of IPE Report filed on 04/08/2002
- Information Disclosure Statements filed on 04/08/2002
- Biochemical Sequence Diskette filed on 04/08/2002
- Oath or Declaration filed on 04/08/2002
- Biochemical Sequence Listing filed on 04/08/2002
- Small Entity Statement filed on 11/15/2001
- Request for Immediate Examination filed on 11/15/2001
- Copy of references cited in ISR filed on 11/15/2001
- U.S. Basic National Fees filed on 11/15/2001

Applicant's response filed 04/08/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/28/2002 have not been completed.

√ **Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of Annex C of the Administrative Instructions and 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/916 (371 Formalities Notice)

URGENT

mbhb

McDonnell Boehnen Hulbert & Berghoff
Law Offices

Fax transmittal

To	Examiner Vonda M. Wallace	Date	January 24, 2005
Company	USPTO	From	Lisa M.W. Hillman, Ph.D
Fax	703 746 6711	Direct	312 935 2371
Phone		Email	hillman@mbhb.com
Pages, with cover	1	C/M	665/ 6
Re			

Dear Examiner Wallace:

This paper is filed in response to the notice of defective response issued in the above-mentioned application on January 3, 2005. The notice states that the content of the computer readable form of the sequence listing does not comply with the sequence listing requirements and states that a marked-up copy of the raw sequence listing is attached to the notice. However, the marked-up copy of the raw sequence listing was not attached to the raw sequence listing. Applicants respectfully request that a copy of the marked-up sequence listing be sent to the undersigned at the Office's earliest convenience.

Thank you.

Lisa M.W. Hillman, Ph.D

300 South Wacker Drive
Chicago, Illinois 60606-6709
www.mbhb.com

312 913 0001 phone
312 913 0002 fax

mbhb

McDonnell Boehnen Hulbert & Berghoff
Law Offices

URGENT

Fax transmittal

To	Examiner Vonda M. Wallace	Date	January 24, 2005
Company	USPTO	From	Lisa M.W. Hillman, Ph.D
Fax	703 746 6711	Direct	312 935 2371
Phone		Email	hillman@mbhb.com
Pages, with cover	1	CAM	665/ 6
Re			

Dear Examiner Wallace:

This paper is filed in response to the notice of defective response issued in the above-mentioned application on January 3, 2005. The notice states that the content of the computer readable form of the sequence listing does not comply with the sequence listing requirements and states that a marked-up copy of the raw sequence listing is attached to the notice. However, the marked-up copy of the raw sequence listing was not attached to the raw sequence listing. Applicants respectfully request that a copy of the marked-up sequence listing be sent to the undersigned at the Office's earliest convenience.

Thank you.

Lisa M.W. Hillman, Ph.D

300 South Wacker Drive
Chicago, Illinois 60606-6709
www.mbhb.com

312 913 0001 phone
312 913 0002 fax

CONFIRMATION REPORT - MEMORY SEND

Time : JAN-24-05 12:59
Fax number: +3129130002
Name : MCDONNELL BOEHNEN HULBERT & BERGHOFF

Job	:	369
Date	:	JAN-24 12:58
To	:	8170374667l1
Doc. pages	:	01
Start time	:	JAN-24 12:58
End time	:	JAN-24 12:59
Pages sent	:	01
Job:369		*** SEND SUCCESSFUL ***

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-505-B)

In re Application of:	)	
	)	
Progulske-Fox	)	
	)	**Examiner: To Be Assigned**
Serial No.: 09/980,845	)	
	)	**Group Art Unit: To Be Assigned**
Filed: August 4, 2000	)	
	)	
For: Microbial Polynucleotides Expressed During Infection of a Host	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above-identified patent application:

   - ☒ Transmittal letter (in duplicate);
   - ☒ Response to Notice of Defective Response;
   - ☒ Copy of Notification of Defective Response;
   - ☒ Paper copy of sequence listing;
   - ☒ Diskette of sequence listing;
   - ☒ Return Receipt Postcard

2. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.

3. **CERTIFICATE OF MAILING UNDER 37 CFR §1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 3, 2005.

Dated: **February 3, 2005**

By: _____
Lisa M.W. Hillman, Ph.D
Reg. No. 43,673

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE, 32ND FLOOR
CHICAGO, IL 60606
(312)913-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
Progulske-Fox	Group Art Unit: TBA
	Examiner: TBA
Serial No. 09/980,845	Atty. Dckt. No.: 00-505-B
International Filing Date: Aug. 4, 2000	Intnl. Appl. No.: PCT/US00/21340
Priority Date: Aug. 6, 1999	

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Notification of Defective Response mailed on January 3, 2005, in the above-mentioned case. It is believed that no fee is due in connection with this filing; however, if a fee is due please charge our deposit account number 13-2490.

The Notification of Defective Response stated that the computer readable copy was unreadable and also stated that errors found in the sequence listing were attached to the Notice. However, there was no attachment to the Notice. Applicants requested the attachment from Examiner Vonda Wallace on January 24, 2005 via phone and facsimile. However, the attachment to the Notice has not been received by Applicants. Applicants respectfully request that any errors in the sequence listing be brought to their attention at the Office's earliest convenience.

Enclosed is a written copy and a computer-readable copy of the sequence listing in the above mentioned case. The information recorded in computer readable form is identical to the written sequence listing. No new matter is added by the sequence listing. Applicants respectfully request that the specification of the application be amended by deleting the previously filed sequence listing and the entry of the enclosed sequence listing.

Respectfully submitted,

Date: 2/3/05

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

MCDONNELL, BOEHNEN,
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, IL 60606
(312) 913-0001

SEQUENCE LISTING

<110> Handfield, Martin
Brady, Jeannine
Progulske-Fox, Ann
Hillman, Jeffrey D.

<120> Microbial Polynucleotides Expressed During Infection of a Host

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agtgccggtg gaggcggnga aaattcactc acttggtgcg gaaggcaatg atgtgggatt 180
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aattttgtgg tttccgcgct gaatgaagat tccgtgtgtg tgggcgatat ttatcaaatc 360
ggctcctgcg tggtggaggt gtcgcagccg cgtaaacctt gtgagcgctt atcgaaaaat 420
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agtgcggtgg attttgagaa tgaaattttt gtcgcgcacc aagccttgtt ccatttgatg 300
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acggcgttgg tacgcgagct ggtgaatgtt gaaaactgaa aaacgagaag aaaaacagga 480
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ggaaaataat atggtaggca aatttattgt cattgaaggc ttggaaggcg caggcaaaag 480
caccgctcat caatgcgttg tggatacgtt aaaaacgtta ggtgttgggg aagtcatctc 540
tacccgcgag ccgggcggca cacccgttgg cggaaaagct acgccatctc attaaacatg 600
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aaaagaaaaa tacaacttag acgtagaata cgttttattc atgactacgc cttgccaaac 180
actgcagtgt ctaaaggtga tttagacgtt aacgcaatgc aacataaacc gtatttagac 240
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gcgcttattt aagctaaaac accatcttgg cattcaggga tttttatccg ggctattcac 180
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ctgaacggtt cgcacagttg gtttgtggcg gacgcatcgg aagatttgac gcaactgcaa 180
caacgcttgg cacaacggga tattttgctt accgcaccgc ttatcggcga agaggacaaa 240
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Ala Glu Ile Ala Ala Lys Val Ala Lys Glu Lys Tyr Asn Leu Asp Val
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35 40 45

Leu Gly Ile Gln Gly Phe Leu Ser Gly Leu Phe Thr Phe Val Leu Arg
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Thr Phe Leu Arg Lys
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Val Leu Asn Gly Asp Val Leu Gln Leu Asn Gly Ser His Ser Trp Phe
         35                  40                  45

Val Ala Asp Ala Ser Glu Asp Leu Thr Gln Leu Gln Gln Arg Leu Ala
     50                  55                  60

Gln Arg Asp Ile Leu Leu Thr Ala Pro Leu Ile Gly Glu Glu Asp Lys
 65                  70                  75                  80

Ser Ala Val Asp Phe Glu Asn Glu Ile Phe Val Ala His Gln Ala Leu
                85                  90                  95

Phe His Leu Met Arg Gln Glu Arg Val Lys Ala Ala Arg Arg Pro Ile
            100                 105                 110

Leu Met Gln Ala Gln Gln Phe Gln Trp Gln Phe Glu Pro Asn Gly Leu
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Pro Asp Ser Asn Arg Lys Arg Arg Leu Gln Xaa Leu Asn Leu Gly Glu
         35                  40                  45

Ala Xaa Val Phe Arg Ser Phe Gly Lys Ala Xaa Ile Ile Ala Ser Thr
     50                  55                  60

Ala Xaa Pro Ala Xaa Cys Val His Ile Ala Leu Thr Gly Phe Leu Ser
 65                  70                  75                  80

Gly Arg Ile Asp Leu Val Ile Ser Gly Ile Asn Ala Gly Ala Asn Leu
                 85                  90                  95

Gly Asp Asp Val Leu Tyr Ser Gly Thr Val Ala Ala Ala Phe Glu Gly
            100                 105                 110

Arg His Leu Gly Leu Pro Ser Ile Ala Val Ser Leu Asp Gly Arg Gln
        115                 120                 125

His Phe Glu Thr Ala Ala Arg Val Val Cys Asp Leu Val Pro Lys Leu
    130                 135                 140

His Ala Gln Leu Leu Gly Lys His Glu Ile Leu Asn Ile Asn Val Pro
145                 150                 155                 160

Asp Val Pro Tyr Glu Glu Leu Lys Gly Ile Lys Val Cys His Leu Gly
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Tyr Arg Ser Ser Ala Ser Glu Val Ile Lys Gln Gln Ser Pro Arg Gly
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Val Phe Ile Asn Arg Leu Lys Ala Lys Met Lys Leu Gln Thr Asp Pro
35 40 45

Thr Val Ile Tyr Gly Met Gly Asp Asp Tyr Asn Gly Asn Ile Arg Lys
50 55 60

Lys Asp Leu Glu Thr Pro Thr Pro Tyr Asn Thr Tyr Val Ile Asp Gly
65 70 75 80

Leu Pro Pro Thr Pro Ile Ala Met Pro Ser Glu Glu Ala Leu Gln Ala
85 90 95

Val Ala His Pro Ala Gln Thr Ala Phe Tyr Tyr Phe Val Ala Asp Gly
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35 40 45

Lys Ala Thr Pro Ser His
50

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.	
PCT/US00/21340	
I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000008256428

Date Mailed: 01/03/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 11/15/2001
- Copy of the International Search Report filed on 11/15/2001
- Copy of IPE Report filed on 04/08/2002
- Information Disclosure Statements filed on 04/08/2002
- Biochemical Sequence Diskette filed on 04/08/2002
- Oath or Declaration filed on 04/08/2002
- Biochemical Sequence Listing filed on 04/08/2002
- Small Entity Statement filed on 11/15/2001
- Request for Immediate Examination filed on 11/15/2001
- Copy of references cited in ISR filed on 11/15/2001
- U.S. Basic National Fees filed on 11/15/2001

DOCKETED
JAN 07 2005
DUE DATE 2-3-05
BY MZ

Applicant's response filed 04/08/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/28/2002 have not been completed.

√ **Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of Annex C of the Administrative Instructions and 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/916 (371 Formalities Notice)

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/980,845A
Source: 4FWP
Date Processed by STIC: 1/18/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm> , **EFS Submission User Manual** - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

IFWP

RAW SEQUENCE LISTING DATE: 01/18/2006
PATENT APPLICATION: US/09/980,845A TIME: 15:36:00

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Output Set: N:\CRF4\01182006\I980845A.raw

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      4       Brady, Jeannine
      5       Progulske-Fox, Ann
      6       Hillman, Jeffrey D.
      8 <120> TITLE OF INVENTION: Microbial Polynucleotides Expressed During Infection of
      9       a Host
     11 <130> FILE REFERENCE: MBHB00-505B
C--> 13 <140> CURRENT APPLICATION NUMBER: US/09/980,845A
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Corrected Diskette Needed

p.4

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    112 aataaaacgt attctacgtc taagttgtat tttttttttg ccactttcgc tgcgatttca 180
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147 aattacgatg tgttatccac cttagccact cttgcttttg acggacgccg tgaagcctta 840
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"N" can only represent a single nucleotide

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RAW SEQUENCE LISTING ERROR SUMMARY DATE: 01/18/2006
PATENT APPLICATION: US/09/980,845A TIME: 15:36:01

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Output Set: N:\CRF4\01182006\I980845A.raw

Please Note:
Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

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Seq#:3; N Pos. 554,596
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Seq#:4; N Pos. 102,138,457,459,467
Seq#:5; N Pos. 622,642,651,669,685,690,700
Seq#:6; N Pos. 609,614,651,665
Seq#:7; N Pos. 532,630,696,710,722,725
Seq#:8; N Pos. 538
Seq#:12; N Pos. 131,151,170,178,194,199,209
Seq#:18; Xaa Pos. 43,50,59,66,69

VERIFICATION SUMMARY DATE: 01/18/2006
PATENT APPLICATION: US/09/980,845A TIME: 15:36:01

Input Set : A:\seqlistcorrected.2002.06.21.txt
Output Set: N:\CRF4\01182006\I980845A.raw

L:13 M:270 C: Current Application Number differs, Replaced Application Number
L:14 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:96 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:540
M:341 Repeated in SeqNo=1
L:143 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:540
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L:709 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:18 after pos.:32
M:341 Repeated in SeqNo=18

Case No.: 00-505-B

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Microbial Polynucleotides Expressed During Infection of a Host

the specification of which is attached hereto unless the following space is checked:

☒ was filed on November 15, 2001as United States Application Serial Number 09/980,845.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	Number	Country	Day/Month/Year Filed
1.	US00/21340	PCT	August 4, 2000
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	Application Number	Filing Date
1.	60/147,551	August 6, 1999
2.		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	Application Number	Filing Date	Status: patented, pending, abandoned
1.			
2.			

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: **020306**

McDONNELL BOEHNEN
HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

Principal attorney or agent: Lisa M.W. Hillman
Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Ann Progulske-Fox

Inventor's signature: Ann Progulske Fox Date: 3/20/02
Residence: 6392 Country Road 214 S., Keystone Heights, Florida 32656
Citizenship: United States of America
Post Office Address: 6392 Country Road 214 S., Keystone Heights, Florida 32656

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CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

Full name of second joint inventor: Martin Handfield

Inventor's signature: _____ Date: 3/20/02

Residence: 10155 SW 52nd Road, Gainesville, Florida 32608

Citizenship: Canada

Post Office Address: 10155 SW 52nd Road, Gainesville, Florida 32608

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Full name of third joint inventor: Jeannine L. Bradley

Inventor's signature: _____ Date: 3/20/02

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Inventor's signature: _____ Date: 3/11/02

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No.00-505-B)

In the Application of:	)	
	)	
Progulske-Fox	)	**Art Group: Not assigned**
	)	
Serial No.: 09/980,845	)	
	)	**Examiner: Not assigned**
Filed: August 4, 2000	)	
	)	
For: Microbial Polynucleotides Expressed During Infection of a Host	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

1. The Compact Disc contained herein "00-505 ST25" submitted under 37 C.F.R.§1.52(e):

   ☒ Is formatted for IBM-PC Machines
   ☒ Is compatible with MS-Windows Operating System
   ☒ Contains the file "00-505 ST25" which is 26,624 bytes in size and was created on 03/16/2006.

2. Statement under 37 C.F.R. § 1.52(e)(4): The undersigned certifies that the original CD-R submitted herein, titled "00-505 ST25" (COPY 2) and the copy CD-R entitled "00-505 ST25" (COPY 1) are identical in content as required by C.F.R. § 1.52(e)(4).

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: March 16, 2006

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

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